



The State of New Hampshire
Department of Environmental Services
Water Council

PO Box 95, 29 Hazen Drive, Concord, New Hampshire 03302-0095
Appeals Clerk Telephone (603) 271-6072 - TDD Access: Relay NH 1-800-735-2964
DES Website: www.des.nh.gov - Council Website: www.des.state.nh.us/councils/



STATE OF NEW HAMPSHIRE

WATER COUNCIL

Docket No. 04-05 WC

Appeal of Freudenburg-NOK General Partnership
In Re: Water Division Administrative Order No. AO WD 04-001

Decision & Order
on Joint Motion to Continue Water Council Appeal Hearing

Background

On February 20, 2004 Attorney Nicholas J. Lazos filed a Notice of Appeal ("the Appeal") with the NH Water Council ("the Council") on behalf of Freudenburg-NOK General Partnership ("the Appellant"). The subject of the Appeal being the New Hampshire Department of Environmental Services, Water Division ("DES") issuance of Administrative Order No. AO WD 04-001 to the Appellant. In conjunction with the Appeal the Appellant filed a Motion to Stay.

On March, 10 2004 the Council accepted the Appeal and granted the Appellant's Motion to Stay.

On July 13, 2004 the Appellant filed a Motion to Extend Stay. In its motion the Appellant requested that the stay be continued for a period of sixty (60) days.

On July 14, 2004 the Council granted the July 13, 2004 Motion to Extend Stay.

On October 9, 2004 the Appellant filed a Motion to Extend Stay. In its motion the Appellant requested that the stay be continued for a period of thirty (30) days.

On October 13, 2004 the Council granted the October 9, 2004 Motion to Extend Stay.

On March 29, 2005 the Council issued an Appeal Hearing Notice in which the hearing in this matter was scheduled for June 8, 2005.

On May 26, 2005 the parties to this appeal filed a Joint Motion to Continue Water Council Appeal Hearing ("the Motion") with the Council. In the motion the parties state that DES has filed a Petition for Declaratory Judgment and to Quiet Title in the Grafton County Superior Court ("the Petition"). The purpose of the petition is to determine ownership of the dam, which is the subject property of the Administrative Order, which is the subject of this appeal. The parties move that the Appeal Hearing scheduled for June 8, 2005 be continued pending a final ruling or order on the petition.

Order

Joint Motion to Continue Water Council Appeal Hearing is GRANTED.

So Ordered for the Council by: _____

Michael P. Schafani, Appeals Clerk

May 27, 2005

COPY